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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/523,193**

Applicant(s)  
**Doherty**

Examiner  
**John Young**

Art Unit  
**3622**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 1, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/523,193.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1, 6, & 7 6) ☐ Other:

Art Unit: 3622

## **FIRST ACTION REJECTION**

### **STATUS OF CLAIMS**

1. Claims 1-28 are pending.

### **DRAWINGS**

2. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

Art Unit: 3622

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dimitriadis et al. 5,664,948 (09/09/1997) (herein referred to as "Dimitriadis").

As per claim 1, Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 1.

Dimitriadis lacks an explicit recitation of "activating a user interrupt in response to user input. . . ."

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis ( FIG. 7; FIG. 2; and col. 8, ll. 49-60) would have been selected in accordance with "activating a user interrupt in response to user input. . . ." because such selection would have provided means "*to make the processor delivering advertising information . . . more efficient.*" (See Dimitriadis (col. 1, ll. 60-63)).

Art Unit: 3622

As per claim 2, Dimitriadis shows the method of claim 1. (See the rejection of claim 1 supra).

Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 2.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 2.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “estimating a time the user input will terminate. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 3, Dimitriadis shows the method of claim 2. (See the rejection of claim 2 supra).

Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 3.

Art Unit: 3622

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 3.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “said method repeats said estimating . . . and scheduling . . . for a further estimated time. . . .” estimating a time the user input will terminate. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 4, Dimitriadis shows the method of claim 1. (See the rejection of claim 1 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; and FIG. 8) shows elements that suggest the elements and limitations of claim 4.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 4.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; and FIG. 8) would have been selected in accordance with

Art Unit: 3622

“wherein one or more [sic] priorities are dependent upon one or more parameters as a function of time. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 5, Dimitriadis shows the method of claim 4. (See the rejection of claim 4 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; and FIG. 8) shows elements that suggest the elements and limitations of claim 5.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 5.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; and FIG. 8) would have been selected in accordance with “wherein one of said priorities is dependent upon the location or distance from a given location. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

Art Unit: 3622

As per claim 6, Dimitriadis shows the method of claim 4. (See the rejection of claim 4 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 6.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 6.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the frequency the associated item of information is displayed. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 7, Dimitriadis shows the method of claim 4. (See the rejection of claim 4 supra).



Art Unit: 3622

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 7.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 7.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the time since the associated item of information was last displayed. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 8, Dimitriadis shows the method of claim 4. (See the rejection of claim 4 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 8.

Art Unit: 3622

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 8.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the number of times the associated item of information has been displayed. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 9, Dimitriadis shows the method of claim 4. (See the rejection of claim 4 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 9.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 9.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll.

Art Unit: 3622

60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the cost of the associated item of information. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 10, Dimitriadis shows the method of claim 1. (See the rejection of claim 1 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 10.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 10.

“Official Notice” is taken that both the concept and the advantages of “generating a user profile based upon said monitoring. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include “generating a user profile based upon said monitoring. . . .” in the method of Dimitriadis because would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

Art Unit: 3622

As per claim 11, Dimitriadis shows the method of claim 10. (See the rejection of claim 10 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 11.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 11.

“Official Notice” is taken that both the concept and the advantages of “wherein one of said priorities is dependent upon the user profile. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include “ “wherein one of said priorities is dependent upon the user profile. . . .” in the method of Dimitriadis because would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 12, Dimitriadis shows the method of claim 1. (See the rejection of claim 1 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 12.

Art Unit: 3622

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 12.

“Official Notice” is taken that both the concept and the advantages of the elements and limitations of claim 12 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the elements and limitations of claim 12 in the method of Dimitriadis because would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 13, Dimitriadis shows the method of claim 1. (See the rejection of claim 1 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 13.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 13.

“Official Notice” is taken that both the concept and the advantages of the elements and limitations of claim 13 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the elements and limitations of claim 13 in the method of Dimitriadis because would have provided means

Art Unit: 3622

*“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 14, Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 14.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 14.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis ( FIG. 7; FIG. 2; and col. 8, ll. 49-60) would have been selected in accordance with “displaying said scheduled information according to their priority. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 15, Dimitriadis shows the method of claim 14. (See the rejection of claim 14 supra).

Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 15.

Art Unit: 3622

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 15.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon one or more parameters as a function of time. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 16, Dimitriadis shows the method of claim 15. (See the rejection of claim 15 supra).

Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 16.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 16.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (col. 5, ll. 6-31; the ABSTRACT; FIG. 2; FIG. 3; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; col. 8, ll. 49-60; and FIG. 7) would

Art Unit: 3622

have been selected in accordance with “wherein one of said priorities is dependent upon the location or distance from a given location. . . .” estimating a time the user input will terminate. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 17, Dimitriadis shows the method of claim 15. (See the rejection of claim 15 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 17.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 17.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the frequency the associated item of information is displayed. . . .” because such selection would have provided means “*to make the processor*



Art Unit: 3622

*delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 18, Dimitriadis shows the method of claim 15. (See the rejection of claim 15 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 18.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 18.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the time since the associated item of information was last displayed. . . .” because such selection would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

Art Unit: 3622

As per claim 19, Dimitriadis shows the method of claim 15. (See the rejection of claim 15 supra).

Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 19.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 19.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the number of times the associated item of information has been displayed. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 20, Dimitriadis shows the method of claim 15. (See the rejection of claim 15 supra).

Art Unit: 3622

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 20.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 20.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) would have been selected in accordance with “wherein one of said priorities is dependent upon the cost of the associated item of information. . . .” because such selection would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 21, Dimitriadis shows the method of claim 14. (See the rejection of claim 14 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 21.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 21.

Art Unit: 3622

“Official Notice” is taken that both the concept and the advantages of “generating a user profile based upon said monitoring. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include “generating a user profile based upon said monitoring. . . .” in the method of Dimitriadis because would have provided means “*to make the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 22, Dimitriadis shows the method of claim 21. (See the rejection of claim 21 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 22.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 22.

“Official Notice” is taken that both the concept and the advantages of “wherein one of said priorities is dependent upon the user profile. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include “ “wherein one of said priorities is dependent upon the user profile. . . .” in the method of Dimitriadis because would have provided means “*to make*

Art Unit: 3622

*the processor delivering advertising information . . . more efficient.*” (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 23, Dimitriadis shows the method of claim 14. (See the rejection of claim 14 supra).

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 23.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 23.

“Official Notice” is taken that both the concept and the advantages of the elements and limitations of claim 23 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the elements and limitations of claim 23 in the method of Dimitriadis because would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

As per claim 24, Dimitriadis shows the method of claim 14. (See the rejection of claim 14 supra).

Art Unit: 3622

Dimitriadis (col. 1, ll. 26-40; the ABSTRACT; col. 2, ll. 1-20; col. 1, ll. 60-67; col. 3, ll. 1-67; FIG. 1; FIG. 2; FIG. 3; FIG. 8; col. 5, ll. 6-31; col. 8, ll. 49-60; and FIG. 7) shows elements that suggest the elements and limitations of claim 24.

Dimitriadis lacks an explicit recitation of all of the elements and limitations of claim 24.

“Official Notice” is taken that both the concept and the advantages of the elements and limitations of claim 24 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the elements and limitations of claim 24 in the method of Dimitriadis because would have provided means *“to make the processor delivering advertising information . . . more efficient.”* (See Dimitriadis (col. 1, ll. 60-63)).

Claim 25 is rejected for substantially the same reasons as claim 1.

Claim 26 is rejected for substantially the same reasons as claim 14.

Claim 27 is rejected for substantially the same reasons as claim 1.

Claim 28 is rejected for substantially the same reasons as claim 14.

Serial Number: 09/523,193 (Doherty)

23

Art Unit: 3622

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive  
Arlington, Virginia.

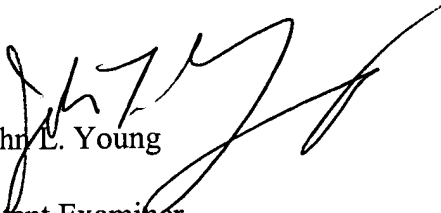
Serial Number: 09/523,193

(Doherty)

24

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Patent Examiner

August 12, 2002



Art Unit: 3622

### **RELEVANT PRIOR ART**

4. The prior art references made of record and not relied upon are considered pertinent to Applicant's disclosure:

#### **U.S. Patent**

5,710,884, U.S. Pat. [Jan. 20, 1998]      Dedrick,      709/217  
“SYSTEM FOR AUTOMATICALLY UPDATING PERSONAL  
PROFILE SERVER WITH UPDATES TO ADDITIONAL USER  
INFORMATION GATHERED FROM MONITORING USER’S  
ELECTRONIC CONSUMING HABITS GENERATED ON  
COMPUTER DURING USE.” This reference discusses Internet  
promotions and tracking activities. (See the ABSTRACT; FIG. 1; FIG. 2;  
FIG. 3a; FIG. 3b; FIG. 4 FIG. 5; and FIG. 6a through FIG. 10). Ref.  
claims 1-28.

### **CONCLUSION**

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either: